



Attorney Docket No. 5405-232DV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Amalfitano et al.

Group: 1632

Serial No.: 09/972,794

Examiner: Nguyen

Filed: October 5, 2001

For: DELETED ADENOVIRUS VECTORS AND METHODS OF MAKING
AND ADMINISTERING THE SAME

Date: January 23, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. § 1.48(a)**

Sir:

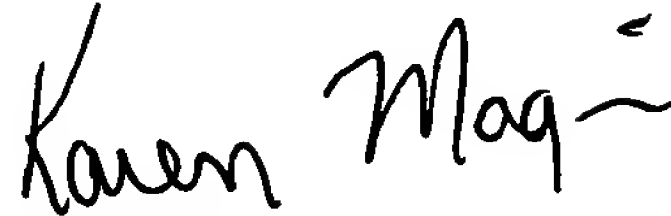
Pursuant to 37 C.F.R. 1.48(a), please add **Bradley L. Hodges**, of 30 Haven Street, Milford, MA 01757, as an inventor on the above-identified application. In support of this petition are included:

- (a) A statement pursuant to 37 C.F.R. § 1.48(a)(2) from Bradley L. Hodges, the individual being added as an inventor, stating that the error in inventorship occurred without deceptive intention on his part.
- (b) A substitute Declaration and Power of Attorney executed on behalf of all of the joint inventors: Andrea Amalfitano, Yuan Tsong Chen, Huimin Hu and Bradley L. Hodges.
- (c) The fee as set forth in 37 C.F.R. § 1.17(i); any additional fee may be charged or any overpayment credited to Deposit Account No. 50-0220.
- (d) A Consent of Assignee executed by Robert L. Taber on behalf of the assignee of the above-identified application, Duke University.

The joint inventor, Bradley L. Hodges, was omitted as a result of an inadvertent error and without deceptive intention. Therefore, it is respectfully requested that the omitted inventor be added to correct the inventorship on the above-identified application.

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Page 2 of 2

Respectfully submitted,



Karen A. Magri
Registration No. 41,965

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 23, 2004.



Sloan Smith



Attorney Docket No. 5405-232DV

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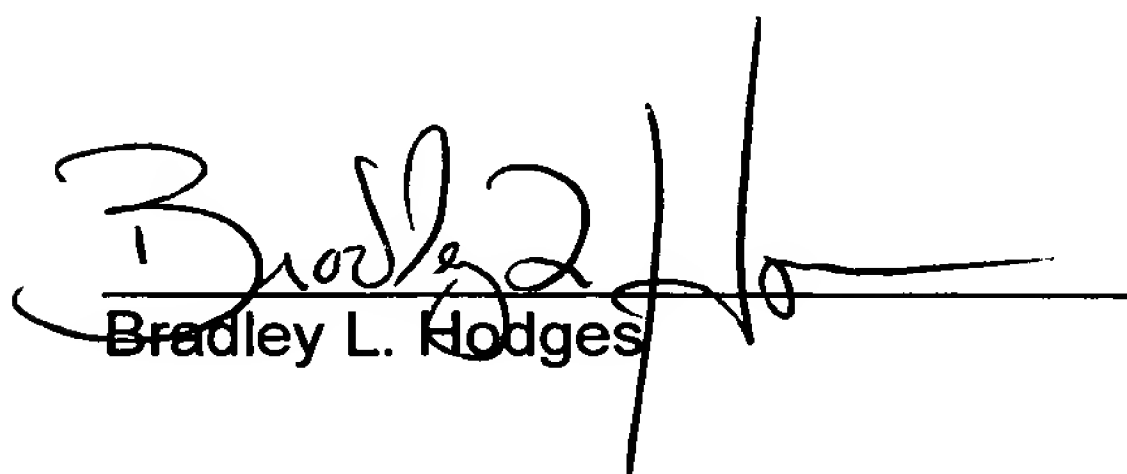
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**STATEMENT IN SUPPORT OF PETITION
FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(A)(2)**

I, **Bradley L. Hodges**, do hereby declare and state as follows:

1. I was not originally named as an inventor on U.S. Patent Application Serial No. 09/972,794, but I should have been. This omission was inadvertent and occurred without any deceptive intention on my part.
2. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Bradley L. Hodges

10/2/03
Date



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 5405-232DV

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ***DELETED
ADENOVIRUS VECTORS AND METHODS OF MAKING AND ADMINISTERING
THE SAME,***

the specification of which

☐ is attached hereto

OR

☒ was filed on October 5, 2001 as United States Application No. 09/972,794.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

None			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

60/145,742	08/28/1998
Application Number(s)	Filing Date (MM/DD/YYYY)

Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.63(d)).

09/384,749	08/27/1999	Patented
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Customer Number 20792
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Send correspondence to: Karen A. Magri
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, NC 27627

Direct telephone calls to: Karen A. Magri
(919)854-1400

Facsimile: (919) 854-1401

Full name of first inventor: **Andrea Amalfitano**

Inventor's
Signature:  Date: 10-8-03

Residence: Durham, North Carolina

Citizenship: United States of America

Post Office Address: 3305 Middlebrook Court
Durham, North Carolina 27705

Full name of second inventor: **Yuan Tsong Chen**

Inventor's
Signature: Yuan Tsong Chen Date: 10/03/03

Residence: Chapel Hill, North Carolina

Citizenship: United States of America

Post Office Address: 114 Cedar Hills Drive
Chapel Hill, North Carolina 27514

Full name of third inventor: **Huimin Hu**

Inventor's
Signature:  Date: 11-13-03

Residence: Memphis, Tennessee

Citizenship: United States of America

Post Office Address: 57 N. Somerville Street, Apt. 704
Memphis, Tennessee 38104

Full name of fourth inventor: **Bradley Lowell Hodges**

Inventor's
Signature:

Bradley L. Hodges

Date:

Dec 19 - 2003

Residence:

Milford, Massachusetts

Citizenship:

United States of America

Post Office Address:

30 Haven Street
Milford, Massachusetts 01757

Bradley L. Hodges
Exp. March 29, 07



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**CONSENT OF ASSIGNEE FOR
CORRECTION OF INVENTORSHIP PURSUANT TO 37 C.F.R. §1.48(a)**

Sir:

The below-named officer, who represents Duke University, the assignee of the above-identified application, hereby consents to the addition of Bradley L. Hodges as a joint inventor on the above-mentioned application.

The Assignment document assigning rights in this application from inventors Andrea Amalfitano, Yuan Tseng Chen, and Huimin Hu to Duke University was recorded in the United States Patent and Trademark Office on April 17, 2000 on Reel 010760, Frame 0200. A copy of the executed Assignment document from inventor Bradley L. Hodges is enclosed herewith.

Respectfully submitted,

Robert L. Taber
Duke University

Signature: _____

Name: Robert L. Taber

Title: Vice Chancellor, Science & Technology

Date: 10-7-03 Development